



FILED

08/15/19
03:12 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement
Senate Bill 1376 Requiring Transportation
Network Companies to Provide Access for
Persons with Disabilities, Including
Wheelchair Users Who Need a Wheelchair
Accessible Vehicle.

Rulemaking 19-02-012

AMENDED SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

This Amended Scoping Memo and Ruling amends the previous Scoping Memo and Ruling issued in this proceeding to (a) add issues to Track 2 of the proceeding and (b) modify the Track 2 schedule. Except as expressly set forth in this Amended Scoping Memo and Ruling, the terms of the previously issued Scoping Memo and Ruling remain unchanged.

1. Background

The State Legislature enacted Senate Bill (SB) 1376, the “TNC Access for All Act,” which requires Transportation Network companies (TNCs) to provide services accessible to persons with disabilities through online-enabled applications or platforms, with a primary focus on wheelchair users who require a wheelchair accessible vehicle (WAV).

On March 4, 2019, the Commission opened an Order Instituting Rulemaking 19-02-012 to address implementation of SB 1376. A Scoping Memo and Ruling was issued by the assigned Commissioner on May 7, 2019, which set the scope and schedule of the proceeding.

One issue included in SB 1376 was omitted from the previous Scoping Memo. In fulfillment of the requirements of Public Utilities (Pub. Util.) Code § 5440.5(a)(1)(B)(ii) and (a)(1)(G), SB 1376 provides that:

A TNC may meet the requirements ... by facilitating WAV service through its online-enabled application or platform, by directly providing WAV service with vehicles that it owns, or by a contract to provide WAV service with a transportation provider, or by any combination of these methods.¹

2. Scope of Issues

The above-noted issue was omitted from the Scope of Issues outlined in the prior Scoping Memo and shall be added to Track 2 of this proceeding.

Accordingly, Track 2 is modified to add the following as Issue No. 4:

4. **Facilitate WAV Ownership.** Pub. Util. Code § 5440.5(a)(1)(H) provides that TNCs may meet the requirements of 5440.5(a)(1)(B)(ii) and (a)(1)(G) by directly providing WAV service with vehicles that it owns or by contract with a transportation provider.
 - a. Currently TNCs are not permitted to own vehicles or contract with transportation providers for vehicles used in their operation, as provided in Decision (D.) 13-09-045.² How should the Commission reconcile the above statute with current regulations?
 - b. Should a TNC satisfy requirements to directly provide WAV service using vehicles that it owns or by contract with a transportation provider, such as WAV driver training or vehicle accessibility feature safety?

¹ Pub. Util. Code § 5440.5(a)(1)(H).

² See D.13-09-045 at 67-68.

Additionally, the following question is added under Issue No. 1 of Track 2 of the previous Scoping Memo, “Establish TNC Investment Offsets.” This question is added as sub-issue (i).

1. Establish TNC Investment Offsets.

- i. Should a TNC satisfy requirements with respect to WAV driver training and vehicle accessibility feature safety as a condition to receiving an offset? If so, what driver training and vehicle safety inspection requirements should be established (*e.g.* inspection and maintenance of lifts, ramps, and securement devices)?

3. Schedule

As stated in the prior Scoping Memo, the assigned Commissioner or assigned Administrative Law Judges (ALJ) may modify the schedule as necessary to promote the efficient management and fair resolution of this proceeding. This Amended Scoping Memo modifies the schedule for Track 2 of the proceeding as follows:

Track 2 Calendar	
Parties and Consumer Protection and Enforcement Division submit proposals on Track 2 issues	September 20, 2019
Workshop on Track 2 proposals	September 30, 2019/San Diego
Comments on the workshop and all proposals	October 15, 2019
Reply Comments on the workshop and all proposals	October 25, 2019
Proposed Decision on Track 2	Q4 2019
Final Decision on Track 2	Early Q1 2020

To the extent necessary, the assigned Commissioner or the assigned ALJs may further adjust or supplement the schedule.

IT IS RULED that the scope of issues and schedule for Track 2 of this proceeding are modified as set forth above. Except as expressly set forth in this Amended Scoping Memo, the terms of the previously issued Scoping Memo and Ruling remain unchanged.

Dated August 15, 2019, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph
Assigned Commissioner